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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,227	08/28/2003	Liam Mannion	920476-94734	6366

23644 7590 06/27/2007  
BARNES & THORNBURG LLP  
P.O. BOX 2786  
CHICAGO, IL 60690-2786

EXAMINER
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NGUYEN, MY XUAN

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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06/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/650,227	Applicant(s) MANNION ET AL.	
	Examiner My X. Nguyen	Art Unit 2617	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 17 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-4, 7, 8 and 10-15.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
**CHARLES N. APIAH**  
**SUPERVISORY PATENT EXAMINER**

My Nguyen  
Patent Examiner  
Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because: It is noted the claims identified as Claim(s) rejected on form PTOL-326 sent 03/23/2007 were errantly written as 1-15. The claims rejected with regard to the Final Office Action sent 03/23/2007 are 1-4, 7, 8 and 10-15. Refer to correspondence for detail of examiner's response to applicant's arguments.

The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

1. Regarding applicant's argument that:

It is an inherent feature of the network of contact centers as claimed that if any one of the contact centers becomes inoperable it does not prevent the remaining contact centers from implementing the foregoing contact sharing scheme between them because there is no single means common to the contact centers responsible for selecting an agent and routing a contact from one contact to another.

Examiner disagrees with applicant's assertion (i.e., there is no single means common to the contact centers...). As can be clearly seen in applicant's drawings (i.e., Fig. 1 and Fig. 2), there exists a means common to the contact centers 10, 11, 12. Specifically, all of the contact centers 10, 11, 12 are connected via CLAN 17 or trunks 18.

2. Regarding applicant's argument that:

It is quite clear from figure 2 and its corresponding description in Miloslavsky that the multiple call center architecture taught by this reference uses a routing server 192, a statistics server 190 and a database 194 as a network level means common to all of the call centers for selecting an agent and routing a call received at one call center to another (see abstract). This is made particularly clear from the method steps illustrated in figure 4A which discloses that a CTI server associated with a switch that has received a call passes (figure 4A, 266) information to the routing server 192 and passes (figure 4A, 268) call information to the stats server 190. It is the routing server 192 that selects (figure 4A, 274) an agent and which controls (figure 4A, 280, 282 and figure 4B, 286 to 292) the call receiving switch to pass the received call to another switch.

Applicant is arguing that which is not in the claim language wherein the claim language of the application does not explicitly exclude any intermediary devices for selecting an

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agent and routing a call received at one call center to another. Therefore, in light of the Final Office action sent on 03/23/2007, regarding claims 1, 3 and 10-12 Miloslavsky discloses the claimed:

a) receiving a contact at any one of the contact centers, said any one of the contact centers being designated a source contact center with respect to the received contact (Fig. 2 Elements 162, 164 & 180, Col. 2 Lines 30-33 & Col. 5 Lines 5-9);

b) sending a reservation request from the source contact center to each of the contact centers including itself at the same time, said reservation request being for an agent with a specified relative intrinsic value (Col. 2 Lines 30-52 & Col. 6 Lines 46-56);

c) for said reservation request, receiving at the source contact center from each of one or more of the contact centers, a value of the specified intrinsic and an associated agent identifier (Col. 2 Lines 30-52 & Col. 6 Lines 46-56);

d) routing the received contact to one of the agents on the basis of the received intrinsic (Col. 2 Lines 41-45).

Furthermore, as can be clearly seen in applicant's drawings (i.e., Fig. 1 and Fig. 2), there exists a means common to the contact centers 10, 11, 12. Specifically, all of the contact centers 10, 11, 12 are connected via CLAN 17 or trunks 18 which implies applicant's intent of a system comprising some type of intermediary amongst the contact centers 10, 11, 12.

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## 3. Regarding applicant's argument that:

There is no disclosure anywhere in Miloslavsky and particularly not in column 2, lines 30 to 52 or column 6, lines 46 to 56 that teaches or suggests that a contact center upon receiving a contact and being designated as a source contact center for that contact sends a reservation request to all of the contact centers including itself. Nor does Miloslavsky teach or suggest that any of the contact centers upon receiving a reservation request from a source contact center sends a value of a specified intrinsic and an associated agent identifier to the source contact center. It is clear from Miloslavsky that, upon receiving a call at a switch, a CTI server associated with the switch passes information to the routing server and statistics database and it is the routing server that selects an agent and then controls routing of the received contact from the call receiving switch to another switch. The routing server 192, the statistics server 190 and the database 194 are all common to the network of switches (and their associated CTI servers) and, as such, should any one of them fail, the contact sharing scheme taught by Miloslavsky also fails. Therefore, it can be concluded that Miloslavsky does not teach all of the limitations of claim 1, not does the disclosure of this reference render claim 1 as obvious since Miloslavsky teaches a network level means common to all of the switches for sharing received calls between the switches (call centers). There is nothing in Miloslavsky that would lead one skilled in the art to the arrangement of contact centers as claimed which do not require a common network level means such as a routing server to effect sharing of received contacts. Furthermore, the arrangement as claimed provides a useful contribution to the art because it is much more fault tolerant than the system taught by Miloslavsky.

In light of examiner's above response to applicant's argument, it is understood

Miloslavsky discloses the claimed:

a) receiving a contact at any one of the contact centers, said any one of the contact centers being designated a source contact center with respect to the received contact (Fig. 2 Elements 162, 164 & 180, Col. 2 Lines 30-33 & Col. 5 Lines 5-9);

b) sending a reservation request from the source contact center to each of the contact centers including itself at the same time, said reservation request being for an agent with a specified relative intrinsic value (Col. 2 Lines 30-52 & Col. 6 Lines 46-56);

c) for said reservation request, receiving at the source contact center from each of one or more of the contact centers, a value of the specified intrinsic and an associated agent identifier (Col. 2 Lines 30-52 & Col. 6 Lines 46-56);

d) routing the received contact to one of the agents on the basis of the received intrinsic (Col. 2 Lines 41-45).

Furthermore, as can be clearly seen in applicant's drawings (i.e., Fig. 1 and Fig. 2), there exists a means common to the contact centers 10, 11, 12. Specifically, all of the contact centers 10, 11, 12 are connected via CLAN 17 or trunks 18. Therefore if applicant's CLAN 17 or trunks 18 fail, the contact sharing scheme taught by applicant also fails.

M.X.N.  
06/22/2007